REMARKS

This amendment responds to the office action mailed August 14, 2007. In the office action the Examiner:

- rejected claims 30-49, 51-58 and 89 under 35 U.S.C. 101 as being directed to non-statutory subject matter;

- rejected claims 1, 30, and 59 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement;

- rejected claims 1-20, 22-49, 51-78, and 80-90 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention;

- rejected claims 1-20, 22-49, 51-78, and 80-90 under 35 U.S.C. 102(e) as being anticipated by Barg et al (U.S. Patent No. 6,707,454).

- rejected claims 1, 30 and 59 under 35 U.S.C. 102(e) as being anticipated by Applicant Admitted Prior Art (AAPA) of the Instant Application.

- rejected claims 1, 30 and 59 under 35 U.S.C. 102(a) as being anticipated by Stolte et al., Polaris, included in Applicant's IDS.

After entry of this amendment, the pending claims are: claims 1-6, 8-9, 15-20, 22-35, 37-38, 44-49, 51-64, 66-67, 73-79 and 80-90. Claims 7, 10-14, 21, 36, 39-43, 50, 65, 68-72 and 79 have been canceled.

Phone Interview

The applicants would like to thank the Examiner for having phone interviews with the applicants' representatives, Douglas Crisman (Reg. No. 39,951) and/or Yalei Sun (Reg. No. 57,765), on October 16 and 19, 2007. During the interviews, the Examiner suggested that the applicants amend several claim terms in the pending claims in order to overcome the Examiner's rejections.

In response, the applicants have amended all the three independent claims 1, 30, and 59 as well as some dependent claims by further clarifying the claim terms to address the issues raised by the Examiner.

Claim Rejections – 35 USC §101

Claim 30, as amended, reads as follows:

> A **computer readable storage medium** and a **computer program mechanism embedded therein** ..., the computer program

mechanism comprising **instructions** that **are executed by a computer system to**:

    (A) **construct** said visual plot based on a specification ...;

    (B) **query** said dataset to retrieve data ... ; and

    (C) **populate** said visual plot ... (*emphasis added*)

As demonstrated by the highlighted portions of the claim, the computer program mechanism is (i) stored in a tangible storage medium (i.e., the computer readable storage medium) and (ii) includes instructions that are executed by a computer system to perform at least three different actions (i.e., construct, query, and populate). Thus, the applicants respectfully submit that the amended claim 30 is directed to statutory subject matter according to MPEP §2106.01 and the Examiner should withdraw the rejections under 35 U.S.C. §101.

<u>Claim Rejections – 35 USC §112</u>

Claim 1, as amended, reads as follows:

    A method of forming a visual plot from a dataset having a hierarchical structure, wherein said dataset comprises a measure attribute and a hierarchical dimension attribute, the dimension attribute comprising a plurality of levels **that have a natural hierarchical order**, the method comprising:

    (A) constructing said visual plot based on a specification, **wherein the specification defines a mapping from said dataset to said visual plot**;

    (B) querying said dataset to retrieve data in accordance with said specification, **said retrieved data including at least a subset of data associated with said dimension attribute and at least a subset of data associated with said measure attribute**; and

    (C) populating said visual plot with said retrieved data in accordance with said specification by associating a first level from said plurality of levels with a first axis of said visual plot and a second level from said plurality of levels with a second axis of said visual plot, **wherein said first axis and said second axis are oriented in different directions in a space occupied by said visual plot such that said first level and said second level are displayed independently from said natural hierarchical order**. (*emphasis added*)

With these amendments, the applicants have further clarified or revised all the claim terms that the Examiner rejected in the office action under 35 USC §112, first and second paragraphs. Support for the amendments is abundant in the specification. See, e.g.,

paragraphs 0011, 0036, 0064, 0079-0087, 0123, 0168, 0169, in connection with Figs. 6, 7, 9, 18-19, and 20. Similar amendments have been applied to independent claims 30 and 59.

Additionally, the applicants would like to emphasize that, if the pending claims include any term that does not expressly appear in the specification of the pending application, the meaning of such term is more than discernable to one skilled in the art in light of the specification. Support for the applicants' position is found in MPEP §2173.02, which states as follows:

> a claim term that is not used or defined in the specification is not indefinite if the meaning of the claim term is discernible. *Bancorp Services, L.L.C. v. Hartford Life Ins. Co.*, 359 F.3d 1367, 1372, 69 USPQ2d 1996, 1999-2000 (Fed. Cir. 2004) (holding that the disputed claim term ...which was not defined or used in the specification was discernible and hence not indefinite because "the components of the term have well recognized meanings, which allow the reader to infer the meaning of the entire phrase with reasonable confidence").

Thus, the applicants respectfully submit that all rejections under 35 USC §112 should be withdrawn.

Claim Rejections – 35 USC §102(e)

The Barg Patent

Claim 1 of the present application is directed to a method of forming a visual plot from a dataset having a hierarchical structure. The dataset includes a measure attribute (e.g., a quantitative attribute such as "revenue" or "profit") and a multi-level hierarchical dimension attribute (e.g., a characterizing attribute such as "time"). For instance, the "time" dimension attribute has a natural hierarchical order of "year", "quarter", and "month." See, e.g., paragraphs 0011 and 0168 in connection with Figs. 18-19 of the specification.

But as shown in Fig. 20 of the specification, the visual plot 2000 is not populated with retrieved data in the same manner as the visual plot 1900 shown in Fig. 19. Rather, the three levels are spread onto two different axes such that the "year" level is associated with the y-axis of the visual plot 2000 and the "quarter" and "month" levels are associated with the x-axis of the visual plot 2000. As a result, the visual plot 2000 displays the data associated with the three levels of the "time" dimension attribute independently from the natural hierarchical order, which is preserved by the visual plot 1900.

In Barg, the multi-level "product" dimension has a natural hierarchical order, a high level like "tea" followed by a low level like "green tea." Both levels are displayed on the

same axis of the visual plot in exactly their natural hierarchical order. See, e.g., col. 7, lines 46-53 and Figs. 2 and 8-10. Barg offers no teaching or hint of the feature of spreading two levels of a dimension attribute onto two different layers or axes of a single visual plot such that the two levels are displayed independently from their natural hierarchical order as recited in the amended claim 1.

Therefore, claim 1 and its dependent claims are not anticipated by Barg. Since claims 30 and 59 have substantially the same or similar set of features as claim 1, claims 30, 59 and their respective dependent claims are not anticipated by Barg for at least the same reasons mentioned above.

The Pivot-Table Interface

To highlight the advantages of the present invention, the applicants include the Pivot-Table interface shown in Fig. 18 (cited as "prior art") to emphasize the limitations inherent in the prior art. The relevant paragraphs in the background section read as follows:

> "Such interfaces (referring to Figs. 17 and 18) restrict the construction of the table so that **levels (e.g., year and quarter) from a single dimension must appear on the same axis** (e.g., the rows or columns) and must be in their **natural hierarchical order.**" (*emphasis added*)

As noted above, claim 1 has been amended to further clarify that the first and second axes of the visual plot are oriented in different directions in a space occupied by the visual plot such that the two levels are displayed independently from their natural hierarchical order. Such feature is clearly missing from the Pivot-Table interface, which does not allow two levels from a single dimension to appear on two different axes and/or appear in any order other than their natural hierarchical order.

Thus, the applicants respectfully submit that claims 1, 30, and 59 are not anticipated by the Pivot-Table interface reference.

<u>Claim Rejections – 35 USC §102(a)</u>

The Polaris Reference

The Polaris reference by the applicants does not disclose each feature recited in the independent claims 1, 30, and 59.

For example, the Polaris reference offers no teaching or suggestion about the feature of spreading two different levels of a hierarchical dimension associated with a dataset onto different axes of a visual plot such that the levels are displayed independently from their natural hierarchical order as recited in claims 1, 29, and 59. As a matter of fact, Figs. 6, 7, 9, 20 and related text such as paragraph 0169, which provide key support for such claim feature, are completely missing from the Polaris reference. Nor do the applicants find a single occurrence of the phrase "natural hierarchical order" or the like in either of Polaris-based publications.
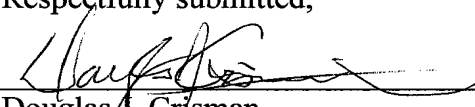
Finally, both Polaris-based publications expressly acknowledged, at the time of their publications, that Polaris was not able to appropriately process a dataset having a hierarchical structure, which was deemed to be a project for the future and is expressly targeted by the present application.

Thus, the applicants respectfully submit that the Polaris reference does not anticipate any of the pending claims.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-4000, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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